

Appl. No. 10/034,816
Amdt. dated October 14, 2004
Reply to Office Action of July 15, 2004

Remarks

Claims 1 - 10 are pending in the instant application. Claims 11 - 20 have been canceled; however, Applicants reserve the right to seek patent protection for non-elected subject matter by divisional application.

In the Office Action mailed July 15, 2004 the Examiner rejects Claims 1 - 10 under 35 U.S.C. §§ 102. By virtue of the amendments made above, claim 1 is amended. The amendments to the claims are supported by page 8, lines 23 - 25; page 9, lines 5 - 10; and other portions of the Specification as filed. No new matter is added. Based on the amendments and remarks made herein, Applicants respectfully request that the rejection be withdrawn and that the application be passed to allowance.

1. Information Disclosure Statements

The Examiner's attention is drawn to the Supplemental Information Disclosure Statements that were mailed on July 18, 2003, September 17, 2003 and 9 September 2004. The Examiner is requested to make of record receipt and review of the documents listed therein.

2. Rejection under 35 U.S.C. §102(b) (Paragraphs 2 - 3 of the Office Action mailed July 15, 2004)

In the Office Action mailed July 15, 2004, the Examiner rejects Claims 1 - 10 under 35 U.S.C. § 102(e) as allegedly being anticipated and therefore unpatentable over U.S. Patent Application 2003/0232556 A1 published December 18, 2003 to Toro et al. (hereinafter "the Toro patent"). Applicants respectfully traverse the rejection as applied to the amended claims.

In order to be anticipatory, a reference must explicitly or implicitly disclose each and every element of the claimed invention. Claim 1, as amended, is directed to an absorbent article including a vapor-permeable liquid-impermeable microporous bottomsheets having an interior surface and an exterior surface; an absorbent structure positioned adjacent the interior surface; and a non-adhesive skid-resistant coating applied to the exterior surface such that the bottomsheets remains vapor-permeable after application of the coating.

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The Toro patent relates to non-slip, liquid impermeable, moisture vapor permeable composite structures comprising a hydrophilic thermoplastic film which is typically thinly coated onto a support layer. (See Paragraph [0002]). The Toro patent states at paragraph [0018];

By 'hydrophilic thermoplastic film' it is meant herein a continuous film that do not allow the flow of moisture vapor through open pores or apertures in the material, but do transfer substantial amounts of moisture vapor through the film by absorbing water on one side of the film where the moisture vapor concentration is higher, and desorbing or evaporating it on the opposite side of the film where the moisture vapor concentration is lower.

The Toro patent does not disclose (either explicitly or implicitly) each and every element of the invention of amended independent Claim 1. For example, the Toro patent does not disclose an absorbent article including a vapor-permeable liquid-impermeable microporous bottomsheets having an interior surface and an exterior surface; an absorbent structure positioned adjacent the interior surface; and a non-adhesive skid-resistant coating applied to the exterior surface such that the bottomsheets remains vapor-permeable after application of the coating. Instead, the Toro patent discloses a non-slip, moisture vapor permeable, liquid impervious composite structure comprising a hydrophilic thermoplastic film and a support layer, the support layer having a first and a second opposing surfaces, wherein the first surface of the support layer is facing the hydrophilic thermoplastic film and the second surface has a coefficient of friction greater than 1. (See Paragraph [0016]). The Toro patent explicitly states that hydrophilic thermoplastic films do not allow the flow of moisture vapor through open pores or apertures. For at least this reason, Applicants respectfully submit that independent Claim 1 is patentable over the Toro patent. Moreover, Claims 2 - 10, which depend from the above independent claim, are also accordingly patentable over the Toro patent.

In conclusion, and in view of the amendments and remarks, reconsideration and withdrawal of the rejection of Claims 1 - 10 under 35 U.S.C. § 102 is respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in condition for allowance and such action is earnestly solicited. If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-4558.

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The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-4558.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I, Barbara D. Miller, hereby certify that on October 14, 2004, this document is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 to RightFax number 703-872-9302.

By: 

Barbara D. Miller